

SPENCER FANE LLP

David E. Funkhouser III, Esq., Bar No. 022449

Jessica A. Gale, Esq., Bar No. 030583

2415 E. Camelback Road, Suite 600

Phoenix, AZ 85016-4251

Telephone: (602) 333-5451

Facsimile: (602) 333-5431

Email: dfunkhouser@spencerfane.com

jgale@spencerfane.com

GOODWIN PROCTER LLP

Scott T. Weingaertner, Esq. (*admitted pro hac vice*)

Stefan Mentzer, Esq. (*admitted pro hac vice*)

Timothy Keegan, Esq. (*admitted pro hac vice*)

The New York Times Building

620 Eighth Avenue

New York, NY 10018

Telephone: (212) 813-8800

Facsimile: (212) 202-6268

Email: SWeingaertner@goodwinlaw.com

Email: SMentzer@goodwinlaw.com

Email: TKeegan@goodwinlaw.com

Attorneys for Defendant TrackMan, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Wyoming Intellectual Property Holdings,
LLC,

Plaintiff,

vs.

TrackMan, Inc.,

Defendant.

Case No. 2:23-cv-02518-JJT

**STIPULATION TO DISMISS
PLAINTIFF'S ALLEGATION OF
WILLFUL INFRINGEMENT IN THE
FIRST AMENDED COMPLAINT
WITH PREJUDICE**

(Assigned to the Hon. John J. Tuchi)

Plaintiff Wyoming Intellectual Property Holdings, LLC ("WIPH") and Defendant TrackMan, Inc. ("TrackMan") by and through undersigned counsel, hereby submit this Stipulation to Dismiss Plaintiff's Allegation of Willful Infringement in the First Amended Complaint with Prejudice. The basis for the Stipulation is as follows:

WHEREAS, on February 26, 2024, WIPH filed the First Amended Complaint (ECF No. 16) against TrackMan;

WHEREAS, TrackMan’s response to the First Amended Complaint is due on April 24, 2024;

WHEREAS, TrackMan seeks, among other relief, to dismiss with prejudice WIPH’s claim in the First Amended Complaint for willful infringement and for enhanced damages arising from the allegation of willful infringement;

WHEREAS, the parties have conferred regarding TrackMan’s planned motion to dismiss;

NOW, THEREFORE, the parties agree and stipulate to the following:

1. WIPH agrees to withdraw, with prejudice, its willful infringement allegations in this action against TrackMan and any claim for enhanced damages arising from WIPH’s allegations of willful infringement.

2. Subject to this Stipulation, WIPH continues to assert Count I for patent infringement in the First Amended Complaint.

3. This Stipulation is without prejudice to TrackMan moving to dismiss the First Amended Complaint on any other grounds, including moving to dismiss the First Amended Complaint in its entirety for lack of patent-eligible subject matter under 35 U.S.C. § 101 in accordance with *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208 (2014).

DATED this 24th day of April, 2024.

GARTEISER HONEA, PLLC

s/ Randall Garteiser with permission
Randall Garteiser

*Attorneys for Plaintiff Wyoming
Intellectual Property Holdings, LLC*

SPENCER FANE LLP

s/ David E. Funkhouser III
David E. Funkhouser III
Jessica A. Gale

Attorneys for Defendant TrackMan, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2024, a copy of the foregoing was filed electronically using the Clerk of Court's CM/ECF system, which will provide notice to all counsel of record.

s/ Courtney Ryan